

**Before the  
Federal Communications  
Commission Washington,  
D.C. 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and	)	WC Docket No. 11-42
Modernization	)	
	)	
Telecommunications Carriers Eligible for	)	WC Docket No. 09-197
Universal Service Support	)	
	)	
Connect America Fund	)	WC Docket No. 10-90

**REPLY COMMENTS OF THE  
SOVEREIGN COUNCILS OF HAWAIIAN HOMELANDS ASSEMBLY**

The Sovereign Council of Hawaiian Homelands Assembly (SCHHA) hereby submits these Reply Comments in response to the Second Further Notice of Proposed Rulemaking in which the Federal Communications Commission (“FCC” or “Commission”) seeks comment on proposals to reform and modernize the Lifeline and Link Up programs.

The SCHHA represents the interests of Native Hawaiians residing throughout the State of Hawaii on the trust lands (Hawaiian homelands – (HHL)), established by the U.S. Congress in 1920 through enactment of the Hawaiian Homes Commission Act. All related Native Hawaiian affairs, whether on or off HHL, fall under the jurisdiction of the Hawaiian Homes Commission, which is the “tribal” authority.

The SCHHA files these comments in support of continuation of the enhanced Lifeline and Link-Up program and in support of an expansion of those programs to include support for broadband service. The SCHHA generally supports the filed Comments and positions advanced by the National Tribal Telecommunications Association (NTTA) and Gila River Telecommunications, Inc. (GRTI). Coupled with the ongoing economic challenges faced by native Hawaiians living on and off Hawaiian Homelands, the SCHHA urges retention of the tribal-specific components to the Commissions Lifeline program.

#### **I. The Enhanced Lifeline and Link-up Program Must Be Retained**

Native American communities are historically the most unserved/underserved communities in the Nation. High costs associated with constructing and maintaining a communications network that connects and serves the non-contiguous Hawaiian homelands (HHL) complicate deployment of communications infrastructure. Sandwich Isles Communications, Inc. began constructing its statewide network for the HHL in 1995, and has attempted to overcome the high-cost hurdle associated with mobilization and construction in the Hawaiian Islands with the help of Universal Service Funds and low interest government loans.

Economic circumstances are a substantial barrier to adoption of voice services for many Native Hawaiians. It should be noted that as the Commission reaffirmed in its *2012 Lifeline Order*, “the prices consumers face in the marketplace are what determine affordability and adoption decisions, not the network costs of the incumbent LEC.” The SCHHA believes that continuation of the enhanced Lifeline and Link-Up programs are critical to achieve the “primary goal” the Commission set in 2000, which is to reduce the monthly cost of telecommunications services for qualifying low-income Native Americans, including Native Hawaiians. This will encourage those without service to initiate service and better enable those currently subscribed to maintain service.

## **II. Enhanced Lifeline and Link-up Should Be Expanded to Include Broadband**

The SCHHA also urges the Commission to expand the Lifeline and Link Up programs to support broadband services. Low-income families must be given the opportunity to access broadband, which is an essential tool for success in our modern society. Expanding Lifeline to include broadband and providing a level of support sufficient to make it affordable will help low-income families that are the ultimate recipients of this program gain access and enjoy the benefits of this transformative technology.

Beyond looking at this as a matter of legal authority, the importance of access to broadband must be recognized, as the Commission has stated, access to broadband is “necessary for even basic communications in the 21<sup>st</sup> century.” Broadband is the key to getting a job, doing homework, staying informed, and engaging as a citizen. These are all true on HHL as well. And with economic challenges and opportunities to address, Native Hawaiians must have not only access, but affordable access.

Increased access to affordable broadband will offer Native Hawaiians countless economic, cultural, and social benefits. Price of service is a major impediment for low income Native Hawaiian families. The Commission should take this opportunity to make certain its key tool for ensuring affordability is updated to provide access to this vitally important service, as well.

## **III. Retain the “Off-reservation” provision of the Lifeline Program**

Three years ago, the Federal Communications Commission (Commission) took steps to reform the Lifeline program. As part of that reform effort, the Commission did a review of the tribal-specific components and found that the additional support for residents of tribal lands remained necessary. Beyond maintaining the support levels, the *2012 Lifeline Order* expanded income-eligibility criteria, provided a process for Tribes to designate off-reservation lands as tribal lands for purposes of Lifeline, and streamlined certain other processes for determining eligibility (*emphasis added*).



The SCHHA believes the process for Tribes to designate off-reservation lands as tribal lands for purposes of Lifeline is very important to Native Hawaiians. Only a small portion of the State of Hawaii is represented by the Tribal land area known as the “Hawaiian homelands (HHL).” Approximately 200,000 HHL Acres are scattered throughout the six major islands of Hawaii on non-contiguous parcels that as a whole comprise the HHL. A majority of the jobs available to all Hawaiians are located on Oahu. Only 3% of the HHL are located on Oahu.

Therein lies the problem of settling the HHL and of limiting enhanced Lifeline support to only those Native Hawaiians residing on HHL. Many Hawaiians reside off the HHL in order to secure employment. Those that reside on the “neighbor islands” (to Oahu) find it more difficult to secure employment, which also limits their ability to settle the HHL due to inability to secure financing for housing. For these reasons, successfully attaining the goal of making available affordable voice and broadband communications to all Native Hawaiians will require continuation of the “off-reservation” provision of the enhanced Lifeline program.

#### **IV. Lifeline and High-Cost are Part of a Holistic Approach to Promoting Infrastructure Deployment on Tribal Lands.**

Recognizing that enhanced Lifeline is a part of a holistic approach to address affordability and deployment, the SCHHA agrees with the Commission’s proposal to limit enhanced Lifeline support to those providers that deploy, build, and maintain infrastructure on tribal lands (emphasis added). By adopting this change, the Commission may be able to further the goal of promoting deployment of facilities to tribal lands.

The SCHHA believes consistent with comments previously filed by Gila River Telecommunications, and given the uniquely high cost of providing communications service on tribal lands, a tribal-specific Lifeline mechanism remains vital. The consumer price that results from these high costs would make it very difficult, if not impossible, for tribal residents with limited means to pay for service. For that reason reductions or elimination of tribal Lifeline support levels at this time is not wise.

The SCHHA supports the Commission's proposal to require that providers offer data-only broadband to Lifeline customers, but only if the Commission takes the steps necessary in the high-cost program to ensure that a carrier can continue to receive support for a data-only broadband connection from that program.

In the rate-of-return proceeding, the National Tribal Telecommunications Association (NTTA) has urged the Commission to adopt a data-only broadband support mechanism for rate-of-return carriers that includes a Tribal Broadband Factor.<sup>1</sup> The Commission should, concurrent with an expansion of Lifeline to support data-only broadband, adopt reforms to the high cost program to support data-only broadband. Absent that change, carriers will not be able to offer such service to low income Native Hawaiian families.

## **V. Proposals on Population Density and Proof of Residency**

Beyond the tribal-specific support questions addressed above, the Commission seeks comment on other proposals aimed at exploring ways to more efficiently administer the program. These include tying support to population density and increased proof of residency requirements.

Regarding population density, economic circumstances should be the sole criteria the Commission uses in justifying and maintaining the enhanced Lifeline and Link-Up programs, not population density. The additional support from Lifeline helps ensure that service is affordable, which since 2000 has been the Commission's primary goal.

The SCHAA urges the Commission to continue with self-certification as a balanced policy that achieves the goal of providing access to the program in an administratively less burdensome manner for Native Hawaiians.

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<sup>1</sup> Letter from Godfrey Enjady, President of National Tribal Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, NTТА Proposal for a Tribal Broadband Factor.

## **VI. Conclusion**

The SCHHA trusts these comments will assist the Commission in its efforts to update the Lifeline and Link-Up programs to remain relevant in the broadband era. Modifying Lifeline to include support for broadband service and providing additional explicit support in the high-cost program via a Tribal Broadband Factor will help ensure that, unlike telephone service in the last century, residents on the Hawaiian Homelands will have access to affordable voice and broadband in a timely fashion.

Just three years ago in a similar Lifeline rulemaking, the Commission concluded that there were significant telecommunications deployment and access challenges on Tribal lands warranting additional Lifeline support for those Native Americans and ETCs that also receive high-cost support on Tribal lands. Building on the support from the high-cost program, enhanced Lifeline and Link-Up have been a critical component ensuring service is available and affordable to low-income Native Hawaiian families. The SCHHA can see no reason to deviate from this course that was decided only 3 years past.

Respectively Submitted,



**Sovereign Councils of Hawaiian Homelands  
Assembly**

By: Robin Puanani Danner  
Title: Chairman

September 30, 2015